

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PAUL CASTONGUAY,

Plaintiff,

v.

LINCOLN CORRECTIONAL CENTER
DIAGNOSTIC & EVALUATION
CENTER,

Defendant.

4:10CV3036

**MEMORANDUM
AND ORDER**

This matter is before the court on Paul Castonguay's ("Castonguay") Motion for Clarification. (Filing No. [13](#).) In his Motion, Castonguay asks the court to clarify how his filing fees are being collected. (*Id.*) As the court previously informed Plaintiff, filing fees are collected pursuant to [28 U.S.C. § 1915\(b\)\(2\)](#), which provides:

After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

[28 U.S.C. § 1915\(b\)\(2\)](#).

Castonguay argues that the 20 percent amount referenced in section 1915(b)(2) applies to all of his cases, in total, rather than each individual case. (Filing No. [13](#).) Castonguay is incorrect. Section 1915(b)(2) requires monthly payments of 20 percent in *each* of his cases where a filing fee balance remains outstanding.

IT IS THEREFORE ORDERED that: Castonguay's Motion for Clarification (filing no. [13](#)) is granted to the extent it is consistent with this Memorandum and Order.

DATED this 21st day of February, 2013.

BY THE COURT:

Richard J. Kopf
Senior United States District Judge

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